

111TH CONGRESS
2D SESSION

H. R. 5794

To amend the Help America Vote Act of 2002 to establish requirements for the treatment of absentee ballots in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2010

Mr. BACA introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to establish requirements for the treatment of absentee ballots in elections for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Let My Absentee Bal-
5 lot Count Act of 2010”.

6 **SEC. 2. REQUIREMENTS FOR TREATMENT OF ABSENTEE**
7 **BALLOTS IN FEDERAL ELECTIONS.**

8 (a) REQUIREMENTS DESCRIBED.—Title III of the
9 Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.)

1 is amended by inserting after section 303 the following
2 new section:

3 **“SEC. 303A. REQUIREMENTS FOR TREATMENT OF ABSEN-**
4 **TEE BALLOTS.**

5 “(a) PROCEDURES FOR DESIGN OF BALLOT.—

6 “(1) CONSULTATION WITH UNITED STATES
7 POSTAL SERVICE TO MINIMIZE POSTAGE REQUIRE-
8 MENTS.—In designing the absentee ballot used in an
9 election for Federal office, the appropriate State and
10 local election officials shall consult with the United
11 States Postal Service so that the ballot is designed
12 in a manner which minimizes the amount of postage
13 required for the voter to return the ballot.

14 “(2) REQUIRING OUTER ENVELOPE FOR BAL-
15 LOT.—A State shall design each absentee ballot used
16 in an election for Federal office in a manner which
17 includes an envelope or other covering so that the
18 contents of the ballot are not visible during trans-
19 mission.

20 “(b) CONFIRMATION OF ACCEPTANCE OF BALLOT
21 PRIOR TO ELECTION.—

22 “(1) REQUIREMENT TO IMPLEMENT TRACKING
23 PROCEDURES.—

24 “(A) IN GENERAL.—The State or local
25 election official responsible for the receipt of

1 voted absentee ballots in an election for Federal
2 office shall implement procedures to track and
3 confirm the receipt of such ballots, and to make
4 information on the receipt of such ballots avail-
5 able prior to the date of the election to the indi-
6 vidual who cast the ballot, by means of online
7 access using the Internet site of the official's of-
8 fice.

9 “(B) USE OF TOLL-FREE TELEPHONE
10 NUMBER.—If the office of the election official
11 responsible for the receipt of voted absentee
12 ballots in an election for Federal office does not
13 have an Internet site, the official may meet the
14 requirements of subparagraph (A) by operating
15 a toll-free telephone number that may be used
16 by an individual who cast an absentee ballot to
17 obtain the information involved.

18 “(C) INFORMATION SPECIFIED.—The in-
19 formation referred to in subparagraphs (A) and
20 (B) with respect to the receipt of an absentee
21 ballot shall include information regarding
22 whether the vote cast on the ballot was counted,
23 and, in the case of a vote which was not count-
24 ed, the reasons therefor.

1 “(2) TREATMENT OF INDIVIDUALS SUBSE-
2 QUENTLY CASTING BALLOTS AT POLLING PLACE.—

3 If an individual is informed prior to the date of an
4 election in accordance with the procedures imple-
5 mented under paragraph (1) that a vote cast by the
6 individual on an absentee ballot will not be counted
7 in the election and the individual casts a ballot at
8 the polling place on the date of the election—

9 “(A) the vote cast on the absentee ballot
10 shall not be counted in the election;

11 “(B) the ballot cast at the polling place
12 shall be treated as a regular ballot and not as
13 a provisional ballot (unless the ballot would oth-
14 erwise be subject to treatment as a provisional
15 ballot under section 302(a)), and shall be
16 counted if the individual is eligible to vote in
17 the election; and

18 “(C) the individual shall not be considered
19 to be in violation of any law which prohibits an
20 individual from casting more than one vote in
21 any election;

22 without regard to whether or not the information
23 provided to the individual in accordance with the
24 procedures implemented under paragraph (1) is cor-
25 rect.

1 “(c) PROHIBITING REJECTION OF BALLOT FOR LACK
2 OF NOTARIZATION.—A State may not refuse to accept an
3 absentee ballot in an election for Federal office solely on
4 the grounds that the ballot is not notarized or signed by
5 a witness.

6 “(d) NO EFFECT ON REQUIREMENTS APPLICABLE
7 TO ABSENTEE VOTING BY MEMBERS OF UNIFORMED
8 SERVICES OR OVERSEAS CITIZENS.—The provisions of
9 this section may not be construed to affect any require-
10 ment of the Uniformed and Overseas Citizens Absentee
11 Voting Act.”.

12 (b) CONFORMING AMENDMENT RELATING TO EN-
13 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)
14 is amended by striking “and 303” and inserting “303, and
15 303A”.

16 (c) CLERICAL AMENDMENT.—The table of contents
17 of such Act is amended by inserting after the item relating
18 to section 303 the following:

“Sec. 303A. Requirements for treatment of absentee ballots.”.

